

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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SO. DIST. OF GA.

ELLISON ROBERT BURNS, SR.,
Plaintiff,
v.
GEORGIA STEVEDORE ASSOCIATION,
INC.,
Defendant.

CASE NO. CV410-170


O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 2), which recommends that the Court dismiss Plaintiff's complaint because it fails to state a claim upon which relief can be granted. Subsequent to the Report and Recommendation, Plaintiff filed his first (Doc. 6) and second (Doc. 7) Motion for Extension of Time to Submit and State a Claim for Relief, which this Court construes as a motion to amend the complaint.¹ After careful consideration, Plaintiff's motions are **GRANTED**. Plaintiff must submit an amended complaint, complete with factual allegations supporting his employment discrimination claim, within **twenty-one days** from the date of this order. Plaintiff is warned that failure to file an amended

¹ Plaintiff's objections to the report and recommendation also request additional time to submit a claim for relief. (Doc. 5.)

complaint will result in the automatic dismissal of his case.² Because Plaintiff has been granted leave to amend, the Court **DECLINES TO ADOPT** the portion of the Magistrate Judge's Report and Recommendation dismissing Plaintiff's case. However, the Court **ADOPTS** those portions of the report and recommendation granting Plaintiff's request to Proceed In Forma Pauperis and denying Plaintiff's request for court appointed counsel.

SO ORDERED this 10th day of November 2010.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² Of course, failure to adequately plead an employment discrimination claim will also result in dismissal.